IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3524 OF 2004

Dilip Prithviraj Kotecha, .. Applicant.

Vs

The State of Maharashtra, .. Respondent

Mr A.P.Mundargi i/b Mr Ganesh Gole, for the applicant.

Mr.V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 23rd AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The applicant has filed this application for being released on bail in C.R.No.259 of 2004 registered at Sahakar Nagar Police Station under sections 465, 468,408,420 and 120-B of Indian Penal Code. In all, there are 15 accused involved in this case. In so far as the applicant is concerned, it is the prosecution case that he opened an account in Ajit Co-operative Bank, Shirur, and issued 14 cheques of an amount totalling rupees eighty-seven lacs in favour of one Super & Co of co-accused Khabiya. He had very meagre amount in the account at the relevant time. On the basis of those cheques, co-accused Khabiya availed a cheque discounting facility from Citizens Co-operative Bank,Dhankawadi. Mr.Mundargi, learned counsel for the

applicant, submits that except the role stated above, the applicant has not played any other role in the alleged crime. All other accused have already been enlarged on bail. The investigation is complete and,therefore, on parity the applicant is entitled to be released on bail. The Sessions Court rejected his application for bail on the ground that he was absconding. In view of this, Mr Mundargi, submits that the applicant was not absconding. He is a permanent resident of Urali Kanchan. Police have branded him as absconder since he was not available on the address given while opening the account in the Bank at Shirur. The police never made any efforts to search the applicant at Urali Kanchan. The Citizens Co-operative Bank also had applicant's address at Urali Kanchan but no efforts whatsoever were made by the investigating officer to search him at Urali Kanchan. Moreover, the applicant was not aware that he was arraigned as one of the accused in the instant case. Mr.Konde-Deshmukh, learned APP, on instructions, submits that the investigation is complete. The applicant cooperated with the investigation. The chargesheet has also been filed. Keeping all this in view and considering the submissions of Mr Mundargi and that all other accused have already been released on bail, I am inclined to enlarge the applicant on bail.

3. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.35,000/- with one or two sureties of the like amount to the satisfaction of the trial Court, subject to the condition that he shall report the concerned Police Station on every Saturday between 10 am and 11 am for a period of two months and thereafter on first Saturday of every month between 10 am and 11 am for a period of six months.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)